



TOWN OF BOW

Planning Board

10 Grandview Road, Bow, New Hampshire 03304
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APPROVED MINUTES

February 16, 2023

<https://youtu.be/UAOgShWV33I>

The Town of Bow Planning Board met on Thursday, February 16, 2023 at 7:00 PM in Room C of the Municipal Office Building. Chair Don Berube began the meeting at 7:00 PM with the roll call of the Board.

7:00 ROLL CALL

Planning Board Members present were Don Berube, Chair; Sandy Crystall, Vice Chair; Adam Sandahl, Secretary; Jonathan Pietrangelo, member; Bruce Marshall, Selectmen Representative. Other(s) present were Karri Makinen, Community Development Director; Matt Monahan, CNHRPC (remote); Ginger Iverson, Recording Secretary. Not present: David Glasier, member; Michael Lawton, member; Kip McDaniel, alternate; and Sarah Guinther, alternate.

Chair Berube read item no. 1 into record.

1. Application no. 402-23 Wetland Protection Conditional Use Permit Application Owner: Public Service Company of NH d/b/a Eversource Energy Eversource will be replacing 32 structures within the H137, M108, G146 transmission line right-of-way, some of which are located within the WC district. Work will require temporary impacts of 79,551 SF in wetlands (timber matting) and 69,307 sq. ft. permanent and 14,330 sq. ft. temporary impacts within wetland buffers (clean stone fill) to create stable work surfaces in structure work pads and access roads. Located at: Eversource right-of-way from Merrimack River at Garvins Falls Hydro Power Plant to Merrimack Station Map/Block/Lot: 21-5-3; 21-5-3-A; 26-5-7; 26-5-9-N; 26-5-9-P; 26-5-9-Q; 26-5-9-U; 36-5-19; 36-5-20-A; 41-2-200

Chair Berube recused himself from this application as he is an abutter and turned the meeting over to Ms. Crystall, Vice Chair.

Jess Hunt from Stantec representing Eversource, Ashley Friend and Jen Codispoti from Eversource were there to present the application for the Conditional Use Permit (CUP) for the H147, M108 and G146 lines. These lines are co-located with P145 line in the same right of way as a CUP that was submitted last year for the P145. Construction is anticipated for the spring and to continue through 2024. They attended the Conservation Commission meeting Monday and discussed that it would be the same access as the P145 line and there should be no additional access created for any of the additional three lines. Matting will be put down for protection of rare plants. In the uplands they would be installing gravel to get to each of the work pad areas. Uplands are permitted for 100' X 100' work pad area, so they'll do any grading, grubbing that's needed, put down ¾ inch stone for bucket trucks to access that location and then upon completion they remove the stone to a 30' X 60' area to allow them future access to that location. In response to Mr. Marshall asking about any post-construction problems, Ms. Crystall stated that we don't do a post-construction inspection. That may be something we want to do. Ms. Friend said they file an EPA Construction General Permit and Storm Water Pollution Prevention Plan (SWPPP) notice of intent.

43 Weekly inspections are done by Stantec including monitoring of erosion control. They coordinate their
44 inspections especially after a storm occurs.

45

46 7:17 p.m. Ms. Crystall opened the Public Hearing.

47

48 Beth Titus, 3 Eastview Drive, is trying to figure out what poles they are replacing as she has a pole in her
49 side yard. The applicant replied none of these are in anyone's yard. Ms. Titus showed before and after
50 photos of the property Eversource had done work on and has concerns about what they are doing to the
51 land there. The property owner had put a conservation easement on this property so it would remain
52 undisturbed, untouched. The trail now drops off with a six-foot bank and makes it unable for them to get a
53 tractor down there (887 Route 3A, Lindquist land). Near the old farm bridge, they put steep bank and
54 rocks beyond the bridge and it is completely blocked right now so they can't use it.

55

56 Mr. Marshall asked if the Board could accept jurisdiction of the application.

57

58 *Upon motion by Mr. Marshall and duly seconded by Mr. Pietrangelo the Planning Board accepts*
59 *jurisdiction of CUP application 402-23, PSNH d/b/a Eversource Energy. The motion carried by*
60 *unanimous vote in favor.*

61

62 The applicant addressed the upcoming project and its impacts on the Lindquist property. They are using
63 upland matting to get to those structures within the field. The applicant wasn't aware of the magnitude of
64 the issue relating to the trail drop-off. Ms. Titus said she thought they dug into the bank to park their
65 bulldozer and felt this was disrespectful of people's land. The applicant said they wanted to work with
66 Ms. Titus and make sure her concerns were addressed.

67

68 David Lindquist, 887 Route 3A, asked Mr. Monahan if he could find the slide with the two fields south of
69 Garvin Falls. Those are hayfields and he has a farmer that depends on that hay. There is a pole in each
70 field. The applicant said they would work with him on mitigating the impacts on his property as well as
71 specific restoration options. Ms. Crystall said the Planning Board would like a report of the follow-up with
72 the Lindquists.

73

74 7:32 p.m. Ms. Crystall closed the Public Hearing.

75

76 The Board then reviewed the criteria in Article 10.01, section F.2. of the Zoning Ordinance, referring to
77 the applicant's responses on pages 12-14 of CUP application 402-23.

78

79 The Board then reviewed the criteria in Article 12.05 of the Zoning Ordinance, referring to the applicant's
80 responses on pages 15-17 of CUP application 402-23.

81

82 *Upon motion made by Mr. Sandahl and duly seconded by Mr. Pietrangelo, it was resolved to conditionally*
83 *approve application 402-23 with the conditions listed below as the proposal complies with Zoning*
84 *Ordinance Articles 10.01 and 12.05 given the plans presented. The motion carried by unanimous vote in*
85 *favor.*

86

87 Conditions of approval:

88 1. Receipt of NHDES Alteration of Terrain (AoT) permit

89 2. Receipt of NHDES Wetlands Utility PBN

90 3. Receipt of NHDES Shoreland permit

91 4. Filing of US EPA Notice of Intent

92 5. Follow up with abutters regarding issues outlined at the 2/16/23 meeting and provide a summary to the
93 Planning Board

94 6. Ensure that the trail access is in compliance with the existing conservation easement

95

96 Chair Berube returned to the meeting and read item 2 into the record.

97

98 **2. Application no. 201-23 Site Plan Review Approval Application Owner: 64 River Road, LLC c/o**
99 **Vincent Trento and Darryl Peasley, Applicant: Rumford Stone. The intent of this proposal is to**
100 **construct up to a 4,550 sq. ft. addition along the northerly face of the existing structure, a small**
101 **parking lot expansion, stormwater management infrastructure, and ancillary improvements.**
102 **Located at: 278 & 284 River Road, Bow, NH 03304, Map 36, Block 2, Lots 177C and 177D.**

103

104 Doug Brodeur with H.L. Turner presented the application. Also present were Vincent Trento and Darryl
105 Peasley, owners and Bill Hickey from H.L. Turner. Mr. Brodeur stated that the proposal is to construct a 4,550
106 sq. ft. addition, for offices, onto the existing building located at 278 River Road, in addition to a parking lot
107 expansion, an infiltration basin, some island widening to allow for better truck turning movements. The
108 application also proposes to maintain and keep under the maximum impervious amount so they are reverting
109 an area back to a green space. Mr. Berube inquired if the addition would be a lesser size than requested. The
110 applicant said they're not sure if it will be that large. The area of the proposed building addition is currently a
111 crushed gravel surface. They received a variance from the Zoning Board of Adjustment on December 20,
112 2022 for a side yard setback and have requested a couple of waivers. They have been in discussions with their
113 neighbor regarding grading and expect an easement be granted or a written agreement. Mr. Sandahl and Mr.
114 Brodeur discussed the grading and drainage along the southern property line shared with Danmar
115 Development. Chair Berube asked why the owners didn't want to merge the two lots. Mr. Brodeur said they
116 wanted to be able to sell the lots separately in the future should they decide to move the business. Mr.
117 Monahan inquired whether there should be an easement to the other lot should one lot be sold. Mr. Brodeur
118 said that in New Hampshire you can't grant an easement to yourself and suggested that he will check with
119 Rumford Stone's corporate attorney. Mr. Marshall said the Planning Board should not be telling Rumford
120 Stone how they're supposed to sell their lots. There was a discussion of potential third-party review of the
121 drainage. Ms. Crystall said it would be good to get a second opinion. Mr. Berube said it looked pretty basic.
122 Mr. Brodeur said he was confident in his designs. Mr. Marshall said the engineer was putting a stamp on it and
123 it would be a huge improvement over the current conditions. Ms. Makinen said the department heads had a
124 few questions about truck movements throughout the site. Mr. Brodeur said that currently there are trucks that
125 back into and out of the street. The owners are more than willing to provide flaggers and traffic control during
126 those times. Ms. Makinen asked how frequently the trucks back into the street. Mr. Brodeur asked the owners
127 and they said maybe two or three big trucks per week. Mr. Marshall asked if this proposal was increasing their
128 deliveries and the applicant replied no. Mr. Pietrangelo stated that the building inspector questioned whether
129 the septic system needed to be expanded and the applicant replied no because they are not adding additional
130 employees. Mr. Sandahl asked about lighting and Mr. Brodeur said the lighting will remain the same, what is
131 required by building code, at egress and exit points of the building. Ms. Crystall asked if there was something
132 that showed the traffic flow. Mr. Brodeur said he did not know how to graphically depict that on a plan for
133 them appropriately but could write a narrative. Most of the trucks back into the center between the two
134 buildings. Mr. Marshall stated that the department head notices did not say there were any complaints about
135 trucks backing in or leaving. Chair Berube entertained a motion to accept completeness.

136

137 *Upon motion made by Mr. Pietrangelo and duly seconded by Ms. Crystall the Planning Board approves to*
138 *accept jurisdiction of Site Plan Application 201-23, Owner: 64 River Road, LLC c/o Vincent Trento and*
139 *Darryl Peasley, Applicant: Rumford Stone. The motion carried by unanimous vote in favor.*

140

141 The Board discussed the four waivers.

142

143 *1. 15.09 Landscaping & Screening~ The site in its existing configuration, has little to no room to provide*
144 *for landscaping. And would require the removal of areas currently being utilized for parking, loading, and*
145 *maneuvering. Additionally, the standards appear to be geared towards retail and/or office space type*
146 *development versus industrial property.*

147 *2. 15.10 Exterior Building Facade ~ The only face of the proposed building addition, which is reasonably*
148 *visible from the public right-of-way is the northern facade, which will be screened by an existing stockade*
149 *fence. Additionally, it would serve little benefit as the existing structure will remain in its composition.*

150 *3. 15.11C Refuse Storage Areas~ The applicant proposes to formalize their refuse storage with two*
151 *concrete dumpster pads in the rear of Lot 177C, however requests that the areas not be screened with*
152 *fencing, as they are 470'+ from the public right-of-way and will not be reasonably visible to the public.*

153 *4. 15.12C Parking Setback~ The applicant requests the Board waive the 10' setback requirement from lot*
154 *lines to 5.5' for the proposed parking area, as the abutting lot owner Dan Mar Development has no*
155 *offense towards this and has granted the applicant permission to onto their property to accommodate the*
156 *expansion.*

157

158 *Ms. Crystall made a motion, and duly seconded by Mr. Sandahl to approve waivers 15.09, 15.10, 15.11 C,*
159 *15.12 C. The motion passed by unanimous vote of the Board.*

160

161 Mr. Sandahl is not pleased that trucks are backing onto street and asked if they could modify the plan to
162 improve this. Mr. Brodeur said with a 53 ft. trailer and 38 ft. truck you need a minimum of 75 ft. to make
163 a 90 degree turn and that will not work. Mr. Sandahl asked if that was with a turning radius on the plan
164 and the applicant replied yes.

165

166 8:20 p.m. Chair Berube opened the Public Hearing

167

168 8:21 p.m. Chair Berube closed the Public Hearing

169

170 *Upon motion made by Mr. Pietrangelo, and duly seconded by Mr. Sandahl, the Board conditionally*
171 *approves application 201-23 Owner: 64 River Road, LLC c/o Vincent Trento and Darryl Peasley,*
172 *Applicant: Rumford Stone, with the conditions stated below as the proposal complies with the Zoning*
173 *Ordinance and the Site Plan regulations given the plans presented and waivers granted. The motion*
174 *carried by unanimous vote in favor.*

175

176 Conditions of approval:

177 *1. A slope and grading easement is required on Map 36, Block 2, Lots 117A2 and 117E.*

178 *2. All new lighting shall be downcast.*

179

180 Chairman Berube read item 3 into record.

181

182 **3. Application no. 507-22 Minor Subdivision Approval Application- Lot Line Adjustment Owners:**
183 **Graham David & Christina Marie Blanks; Joseph D. & Jennifer Foster. The intent of this plan is to**
184 **adjust the lot line between Lot 22-22 and Lot 22-23. The area of transfer is equal for both lots being**
185 **13,254 sq. ft. Located at: 13 & 15 Buckingham Drive, Bow NH 03304 Map 17, Block 3, Lots 22-22**
186 **and 22-23**

187

188 Pete Weeks of J.E. Belanger presented the application. The lot line adjustment is equal in area. Both owners

189 feel with the original lot line the Blanks did not have very much room in the back yard and the Fosters did not
190 have room in the front yard. All changes meet the zoning requirements.

191
192 Three waivers have been requested.

193
194 1. Section 3.02B, 6.03L and 6.04C - "U.S.G.S, Data, existing and proposed contours" The proposed
195 application is minor in nature by adjusting the lot lines. There is no new development proposed with this
196 application and no new lots being created.

197 2. Section 3.02C - "Buffer Strip". The proposed application is minor in nature by adjusting the lot lines.
198 There are no new lots being created and no new development proposed with this application.

199 3. Section 3.02H & I and 6.03N - "Designation of unsuitable land: floodplain, poorly or very poorly
200 drained soils; bog, marsh, swamp areas; areas with slopes in excess of 25%; areas of ledge exposed or
201 within 4; of the surface; areas encumbered by an easement or Right-of-way; and Group 5 or 6 soils;
202 wetland types and buffer lines per Zoning Ordinance Article 10 with certification of Wetland Scientist."
203 The proposed application is minor in nature by adjusting the lot lines only. No new lots are being created.

204
205 Mr. Sandahl asked about wetlands, stating the owner would need to know where the wetlands are if they
206 wanted to do a project in the future. Mr. Weeks said if they did a project, they would have to have the
207 wetlands delineated.

208 Ms. Crystall asked if the original plans for the subdivision show buffers on the stream and Mr. Weeks said
209 he didn't believe so. Ms. Crystall asked what year it was subdivided and Mr. Weeks responded 1986.

210
211 *Upon motion by Mr. Pietrangelo and duly seconded by Ms. Crystall the Planning Board accepts*
212 *jurisdiction of Minor Subdivision Application-Lot Line Adjustment 507-22, Owners: Graham David &*
213 *Christina Marie Blanks; Joseph D. & Jennifer Foster. The motion carried by unanimous vote in favor.*

214
215 8:31 p.m. Chair Berube opened the Public Hearing.

216 8:31 p.m. Chair Berube closed the Public Hearing.

217
218 *Ms. Crystall made a motion, duly seconded by Mr. Pietrangelo to approve the below mentioned waivers*
219 *as described previously. The motion carried by unanimous vote in favor.*

220
221 *Waivers granted:*

222 *1. Section 3.02B, 6.03L and 6.04C*

223 *2. Section 3.02C*

224 *3. Section 3.02H & I and 6.03N*

225
226 *Mr. Pietrangelo made a motion, duly seconded by Ms. Crystall, to conditionally approve Minor*
227 *Subdivision Application-Lot Line Adjustment application 507-22, Owners: Graham David & Christina*
228 *Marie Blanks; Joseph D. & Jennifer Foster with all the conditions stated below as the proposal complies*
229 *with the Zoning Ordinance and the Subdivision Regulations given the plans presented and waiver granted.*
230 *The motion passed by unanimous vote of the Board.*

231
232 *Conditions of approval:*

233 *1. Address outstanding checklist review comments:*

- 234
 - *Magnetic and grid north are required, though one is provided.*
 - *Northing and Easting for two ties is provided. Elevation is needed.*
 - *Street and ROW width are not on the plans.*

236
237

238 Chair Berube read item 4 into record.

239

240 **4. Application no. 401-23 Wetland Protection Conditional Use Permit Application Owner:**
241 **Justin Stephens. The intent of this plan is to obtain a Conditional Use Permit for the construction of**
242 **a residential driveway with two culverts that would allow access to the buildable area on Map 2,**
243 **Block 4, Lot 8. Wetlands Impact: 2,871 sq. ft. Wetlands Buffer Impact: 3,037 sq. ft. Located at:**
244 **Bela View Drive Map 2, Block 4, Lot 8**

245

246 Spencer Tate with Meridian Land Services presented the application on behalf of Justin Stephens. On the
247 1973 subdivision of land proposing Bela View Drive, MCRD plan 3767, there is a portion of a 50 ft. X
248 200 ft. right-of-way which was dedicated as an access to lot 8. The applicant has been before
249 Conservation Commission twice and they did a site walk. It's a forested hemlock, red maple area with
250 patches of mosaic and poorly drained wetlands that has ephemeral saturation and surface ponding. The
251 wetland areas are not vernal pools; they don't have the hydroperiod. It's a sandy substrate, filling up with
252 water from runoff, precipitation or melt water and then draining out. The 30 ft. wetland buffer along with
253 the wetland basically make up the entirety of this right-of-way. The applicant is seeking a NHDES
254 Wetlands Permit, a Conditional Use Permit, likely a Variance for lack of frontage on a public road, and
255 septic design. The wetlands permit application has been filed in November, NHDES file number 2022-
256 03195, which is currently under review. The intent is to put in a single lane driveway, compliant with
257 Bow regulations to access Lot 8 for the purpose of constructing a single-family residence.

258

259 Chair Berube turned to the Board for questions on the matter.

260 Mr. Marshall asked if this was the only access to this lot and the applicant said yes. Ms. Crystall asked
261 about the delineation done previously for the larger lot. The applicant said when they do the septic design
262 it will have the delineation shown and the wetland buffer depicted. Ms. Crystall said we need to know
263 where the wetlands are and that they are not supposed to disturb beyond the permitted disturbance. Mr.
264 Marshall asked if there were any conditions from the lawsuit out of Merrimack Superior Court over this
265 right-of-way and the applicant asked if Mr. Marshall was referring to the letter from Greg Michael. Ms.
266 Makinen said there is the letter the applicant is referencing and a letter from abutters with their
267 perspective. Ms. Makinen and Mr. Monahan reviewed them and felt perhaps the town's attorney might
268 need to review it. Mr. Marshall stated that the Planning Board wouldn't want to approve something that
269 the court has already decided. Mr. Stephens consulted Attorney Gregory Michael and the attorney did a
270 regulatory review case study and this letter was provided to Town counsel previously. Also, the state had
271 similar concerns regarding the right-of-way and DES reviewed the letter through their legal channels and
272 the DES says the letter satisfies documentation of ownership. Ms. Crystall asked about driveway standards
273 relating to side slopes. The applicant said the driveway was designed to satisfy the Bow regulations. Mr.
274 Marshall asked where the wetland drains. The applicant stated that there are two culverts to maintain
275 hydrologic connectivity and for faunal passage. Mr. Sandahl stated this a non-conforming lot because of
276 the frontage. We would want to make a condition that the variance be acquired before the Conditional
277 Use Permit is approved.

278

279 Chair Berube entertained a motion to accept jurisdiction on application 401-23.

280

281 *Upon motion by Ms. Crystall and duly seconded by Mr. Sandahl the Planning Board approves to*
282 *accept jurisdiction of Application no. 401-23 Wetland Protection Conditional Use Permit Application*
283 *Owner: Justin Stephens. The motion carried by unanimous vote in favor.*

284

285 8:59 p.m. Chairman Berube opened the Public Hearing

286

287 Paul Rhodes, 28 Bela View Drive

288 His concern is that it's very wet in that area. With warm temperatures and snow melting the water is
289 pouring out into the culverts. There is poor drainage with the culverts that are already there. Where is the
290 water going to go? Will there be culverts running parallel with the driveway?
291 Mr. Tate said there will be two culverts that will connect wetland on sides of the driveway and the
292 hydrology will continue to function the way it is currently.

293

294 Gary Fredette, 26 Bela View Drive

295 Is the driveway going to slope toward the road? Yes.

296 Where is the water going to go that is already flooding culverts. What are you going to do to make it flow
297 better? Mr. Tate said the road is crowned. The water will go into the same wetland that it's going into
298 now. We want to keep the wetland functioning the way it is currently.

299 Mr. Fredette asked if you are putting gravel there it's not going to dry that wetland out? Mr. Tate said
300 after putting 2-3 ft. of fill through the wetland area the hydrology going to the wetlands will remain the
301 same. Mr. Fredette asked if there is a buffer from his property line to the right of way. Mr. Tate said he
302 was not sure if they are subject to that regulation of a buffer being this is a smaller driveway. Mr. Fredette
303 asked if the 2 posts are the markers of the right-of-way? Mr. Tate said the markers are the limits of the
304 right-of-way.

305

306 Mr. Marshall asked if the easement defines how far the driveway has to be from property line. Mr. Tate
307 stated the purpose of the 50 ft. strip as identified as being monumented as such was for the purpose of
308 access to Lot 8. Mr. Marshall asked Mr. Tate if he reviewed the easement before he put the plan together.
309 Mr. Tate said it's an implicit easement so it's prescriptive. Mr. Marshall asked, "Is the wetland going to
310 get a little deeper because you're putting the driveway in there? Is there some drainage analysis to study
311 how that's going to impact properties around it?" Mr. Tate said they could provide that but one has not
312 been done. Mr. Sandahl asked how big is the wetland? Mr. Tate estimates the wetland area is to be about
313 one to two acres. Mr. Sandahl asked hypothetically, if the wetland is two acres and the road is crossing is
314 1,000 sq. ft., where is the water going to spill out to? Mr. Tate said they could propose some kind of
315 infiltration structure but that's going to have a larger impact on the wetland area and the buffer.

316

317 Shannon Rhodes, 28 Bela View Drive

318 Her biggest concern is that the discussion is hyper-focused on one aspect of what they are looking to
319 address. Before this land was logged by the previous owner, we didn't have the problems we do now.
320 This piece of land has been in litigation for years. Their map is not showing the contour lines. On this
321 land we get ponding water on lots 9-B8, 9-B7, 9-A into Clinton Street and also 9-B2, 9-B9 and 9-B10.
322 These houses have the impact with the water as it stands today. Behind 9-B2 is more wetlands, and there
323 is aquifer, Spofford Brook, Bela Brook, Stack and Boutwell. There is a lot of water, there are a lot of
324 brooks, there is a lot of flooding. She doesn't feel they've done their due diligence other than that of their
325 driveway.

326

327 Mr. Pietrangelo asked how they deemed two culverts were sufficient. Mr. Tate said no culvert is required
328 because there is no flow. They have two to maintain hydrology from one side to the other. There is no
329 hydraulics you can do because it's a flat lot.

330

331 Mr. Monahan reviewed the contour maps.

332

333 Ms. Rhodes said she is not debating the contour of the driveway, she is debating all the water that's on the
334 hill of their driveway. She doesn't understand how you can say there is no water there. It's a wetland, she
335 lives there, the water stays there.

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Dan Lapan, 30 Bela View

When they have to clear out to get the driveway, it is pretty densely populated with trees. What does that look like when the trees are removed?

Mr. Tate said he would need some direction from the Board if we would like to see this driveway design modified to have larger impacts to the buffer and wetland area. He would need this in writing so he could justify it with the state because it is contrary to the justification of avoidance minimization and mitigation of the resource. This is the best design we have at the moment.

Chair Berube understands the water table is high. Hypothetically, how could you engineer it to get rid of the water? Mr. Tate said you would convey it away, down the right of way to the street with structures and closed drainage, catch basins to Stack - Millbrook. It would be a significant engineering task. Mr. Marshall said you can't redirect the natural flow of drainage in New Hampshire without getting an easement from wherever you're going to redirect it.

Ms. Makinen said the DPW made a comment that the driveway must have 2% negative slope from the roadway, so that hasn't been met? Mr. Tate said DPW provided the driveway permit and they reviewed the plans. Mr. Marshall said that was standard on our driveway permits but he did not see it on the applicant's plans.

Warren Shumway, 5 Essex Drive

His concern is about what will be built on this property. He was told by his realtor, and he believes by the Town as well, that no one would ever build back there. Where is the house going to be? Will it be subdivided? Mr. Tate said it is not zoned for that. Mr. Stephens' intent is to build a single-family home compliant with the zoning and he would be okay with a condition that this approval would be contingent on single-family lot.

Shannon Rhodes, 28 Bela View Drive

Where would utility poles go through? You would need at least one on the driveway. Mr. Stephens responded that the utility lines would be underground.

9:30 p.m. Chair Berube closed the Public Hearing.

Ms. Crystall suggested the Board needs to consult Town Counsel's opinion.

Mr. Monahan said the big question for Town Counsel is there anything we need to be aware of specific to this application, that the Board needs to do or not do for this application. Mr. Marshall said he wanted to know if there are any restrictions other than our normal site plan or ordinance requirement on this easement driveway as a result of that court case.

Chair Berube said this proposed project is a good scenario for the abutters compared to potential alternatives.

Mr. Tate said they may need some guidance if they are being asked to mitigate or manage off-site water. Mr. Marshall said that typically, you would do an engineering analysis to make sure that you are not diverting the water onto somebody else's property and so you are not increasing the spread of the wetland, because you are encroaching on somebody else's land. It's your obligation as the developer.

384 Mr. Tate said if the abutters are saying there are existing water management issues and that's now going to
385 be the responsibility of the applicant, he needs that as a directive.
386

387 Mr. Marshall said we're not asking you to address the existing problem but you need to show the Town
388 you're not increasing the problem. Ms. Makinen said one of the criteria states that the proposed activity
389 minimizes the environmental impact to abutting or downstream property and or hydrologically connected
390 water or wetland resources. The Board is trying to determine if the applicant is meeting that criterion.
391

392 Site walk will be on March 23, 2023 at 6:00 p.m. at the site.
393

394 *Upon motion by Ms. Crystall and duly seconded by Mr. Sandahl it was resolved to continue*
395 *Application 401-23 to the March 23, 2023 Planning Board meeting. The motion carried by unanimous*
396 *vote in favor.*
397

398
399 **REVIEW OF MINUTES:** October 20, 2022, November 17, 2022, December 15, 2022,
400 January 5, 2023, February 2, 2023, and February 2 non-public session
401

402 *Upon motion made by Ms. Crystall and duly seconded by Mr. Sandahl it was resolved to approve the*
403 *October 20, 2022 meeting minutes as amended. The motion carried by a 3 yes -2 abstention vote.*
404

405 *Upon motion made by Ms. Crystall and duly seconded by Mr. Sandahl it was resolved to approve the*
406 *November 17, 2022 meeting minutes as amended. The motion carried by 3 yes – 2 abstention vote.*
407

408 *Upon motion made by Mr. Pietrangelo and duly seconded by Ms. Crystall it was resolved to continue the*
409 *December 15, 2022 meeting minutes to be reconsidered at the March 23 ,2023 meeting. The motion*
410 *carried by a unanimous vote in favor.*
411

412 *Upon motion made by Ms. Crystall and duly seconded by Mr. Sandahl it was resolved to approve the*
413 *January 5, 2023 meeting minutes as amended. The motion carried by 4 yes – 1 abstention vote.*
414

415 *Upon motion made by Ms. Crystall and duly seconded by Mr. Pietrangelo it was resolved to approve the*
416 *February 2, 2023 meeting minutes as amended. The motion carried by 4 yes – 1 abstention vote.*
417

418 *Upon motion made by Mr. Sandahl and duly seconded by Ms. Crystall it was resolved to approve the*
419 *February 2, 2023 non-public session minutes. The motion carried by 4 yes – 1 abstention vote.*
420

421 **CORRESPONDENCE AND OTHER BUSINESS**

- 422 • Review Potential Changes to Regulations and Ordinances
 - 423 • Review of 3 Special Exception applications for Amber Bow Associates, LLC
- 424

425 Ms. Makinen said updating the road standards needs to be done as soon as possible. We will post notice
426 of the public hearing for the March 23, 2023 meeting.

427 Mr. Marshall asked are you going to eliminate allowing 22 ft. wide streets with curb? Ms. Makinen said
428 that was the intention. Mr. Marshall asked about not allowing updated application materials within 2
429 weeks of Planning Board meetings. Mr. Marshall suggested saying all submittals at least two weeks
430 before otherwise the Board has the right to continue it to the next meeting. Mr. Marshall asked about
431 applicant pre-meetings with abutters. Ms. Crystall says these communications are outside the context of
432 the public meetings and commitments made don't necessarily become a condition of approval. Ms.

433 Makinen said the current regulations encourage applicants to meet with abutters in advance. Maybe they
434 need to send us minutes of that meeting or provide copies of any handouts they passed out. Mr. Marshall
435 said this becomes a problem since it wasn't presented to the Board at the meeting or through the proper
436 application process. Ms. Makinen suggested we could add a line to the abutters' notice letting them know
437 that they need to come to a hearing and present concerns to the Planning Board. Mr. Berube added that it
438 would let them know it's a non-binding informational piece. Mr. Marshall likes the idea of the speaker's
439 podium. Ms. Makinen says this would make it clear that one person speaks at a time. Mr. Marshall would
440 like to get a more applicant and board friendly environment. You can't hear or see well from the back of
441 the room. Ms. Crystall likes specifying temporary vs. permanent wetland impacts on wetland CUP
442 application. Mr. Marshall says we need less cumbersome equipment for recording meetings. Varying
443 definitions of abutters- Ms. Makinen said she believes it's just the subdivision application that says it
444 includes all properties within 200 ft. and the other ones don't. Road acceptance process- Ms. Makinen
445 said it is written out but it is very confusing and difficult to interpret. Reconsidering duplexes needs
446 further study. Mr. Marshall asked Ms. Makinen to add a review of zoning in the Exit 1 area to the list of
447 potential changes.

448
449 Ms. Makinen said the zoning ordinance states that Special Exception applications that go to the Zoning
450 Board of Adjustment must be referred to the Planning Board for a review and recommendation first.
451 Amber Bow has submitted three Special Exception applications for uses at the 85 Dow Road project
452 (related to forklift sales, maintenance, and repair). They will be returning to the Planning Board for a
453 revision to their site plan based on those uses. The Planning Board said they did not have any concerns
454 with this. Ms. Makinen will send a memo to the Zoning Board stating the Planning Board will be
455 reviewing the changes to the site plan at their next meeting.

456
457 *Upon motion made by Ms. Crystall, and duly seconded by Mr. Pietrangelo it was resolved to adjourn the*
458 *meeting. The motion carried by unanimous vote in favor.*

459
460 10:58 p.m. Meeting adjourned.

461
462 Respectfully submitted,
463 Adam Sandahl
464 Secretary